

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA ex rel.)	
THOMAS O'FARRELL,)	
)	
Petitioner,)	
)	
v.)	08 C 2403
)	
EDDIE JONES,)	
Warden, Pontiac Correctional Center,)	The Honorable
)	Milton I. Shadur,
Respondent.)	Judge Presiding.

**MOTION FOR EXTENSION OF TIME IN WHICH
TO COMPLY WITH THIS COURT'S ORDER OF MAY 1, 2008**

Respondent Eddie Jones respectfully moves this Court for a 30-day extension of time, from May 20, 2008 to and including June 19, 2008, in which to comply with this Court's order of May 1, 2008 (Doc. 6). In support, respondent states as follows:

1. This case concerns a petition for writ of habeas corpus filed under 28 U.S.C. § 2254 by petitioner Thomas O'Farrell, an inmate of the Illinois Department of Corrections serving a sentence of 50 years' imprisonment for his first degree murder conviction.

2. On May 1, 2008, this Court ordered respondent to file, on or before May 20, 2008, a response to the petition stating whether (1) respondent would rely on or waive the one-year statute of limitations applicable to habeas corpus

petitions, *see* 28 U.S.C. § 2244(d)(1); and (2) the petition is timely or untimely under § 2244(d)(1)-(2). (*See* Doc. 6 at 2).

3. Despite due diligence, the undersigned will be unable to file the limited response requested by the Court on or before May 20, 2008.

4. After being assigned to this case, the undersigned counsel immediately began the process of ordering the record of petitioner's state court proceedings. However, the undersigned has not yet received all of the materials necessary to (1) determine whether or not the instant petition is untimely; and, if so, (2) establish that affirmative defense. *See Gildon v. Bowen*, 384 F.3d 883, 886 (7th Cir. 2004) ("Since the period of limitations is an affirmative defense, the state has the burden of showing that the petition is untimely.").

5. Because petitioner is proceeding pro se, the undersigned has not contacted petitioner to ascertain whether he would agree to the instant motion. However, in an effort to comply with the procedures set forth on this Court's webpage, undersigned counsel has contacted the Pontiac Correctional Center and made arrangements for petitioner to appear telephonically on May 21, 2008, at 9:15 a.m., the date and time for which the undersigned has noticed the instant motion, if this Court determines that a hearing on the instant motion is warranted.

6. This motion is not for purposes of delay, but is made in good faith to ensure that respondent's interests are adequately protected.

7. This is respondent's first request for an extension of time in which to comply with this Court's order of May 1, 2008.

WHEREFORE, respondent respectfully requests that this Court grant him a 30-day extension of time, to and including June 19, 2008, in which to comply with this Court's order of May 1, 2008.

May 12, 2008

Respectfully submitted,

LISA MADIGAN
Attorney General of Illinois

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CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2008, I electronically filed respondent's **Motion For Extension Of Time In Which To Comply With This Court's Order Of May 1, 2008** with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the CM/ECF system, and that on the same date I mailed by United States Postal Service the same to the following non-registered party:

Thomas O'Farrell, K54340
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700 West Lincoln Street
P.O. Box 99
Pontiac, Illinois 61764

s/ Michael R. Blankenheim
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